

REMARKS

Claims 1-5 are currently pending in the present application. In view of the above amendments and the following remarks, it is submitted that claims 1-5 recite patentable subject matter. Applicants request the withdrawal of the rejection of claims 1-5.

Applicants thank the Examiner for the interview conducted on January 5, 2006. In the interview, claim 1 and the cited reference was discussed in detail. Claim 1 is amended to more clearly recite the features of the claimed invention. In particular, claim 1 is amended to recite a color display which is visible from the outside and which signals multiple parameters of the microphone.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Bodley et al. (U.S. Publication No. 2002/0021899). The Examiner takes the position that Bodley teaches or suggests all the features recited in claims 1 and 2. Applicants respectfully disagree.

Bodley discloses a communication unit having a housing in which at least one transducer is placed and on which a microscope arm is suspended. The housing also has a means for fastening the communication unit to the head of a user. The microphone arm is pivotally connected to the housing by a hinge link, and at an outer area of the housing

In the claimed invention, a switching device is provided for switching the color of the display. Therefore, the user can differentiate between different microphones in a studio. In addition, in the claimed invention, it is provided that it is possible to differentiate between the microphones within the studio by the lighting up of a determined color marking which distinguished this microphone from other microphones with other color markings.

The reference "Bodley" discloses a headset communication unit, whereby it has a microphone arm as a part of the entire headset. Although, Bodley discloses displaying multiple functions, this is not the same as the multiple parameters provided in the claimed invention. In particular, the function that Bodley relates to is whether the microphone is on

or off. There is not further disclosure in Bodley disclosing what other multiple functions the invention of Bodley refers to. Whereas, the present invention provides a switching device is being provided for switching the color of the display and thus, the sound technicians are able to differentiate between different microphones in a studio. Specifically, the claimed invention provides parameters such as the power level of the microphone, microphone identifiers based on location and location of the microphone. Bodley only discloses a display for the on-off status.

In addition, in our description on page 2, third paragraph, states "With the microphone according to the invention it is not only possible to determine already from the outside of the microphone whether or not the microphone is ready to operate and is switched on, but it is also possible to differentiate between the microphones within the studio by the lighting up of a determined color marking which distinguishes this microphone from other microphones with other color markings."

In addition to showing the actual status of the microphone, e.g., the status that the microphone is switched on (this is prior art), it is desired by the invention to let the sound technician know which microphone is switched on. If you have a scenario inside of the studio with for example ten different microphones and if the sound technician is looking to all these microphones of the prior art, the sound technician – according to the prior art - is seeing ten microphones with the same color at the backside of the microphone, e.g., the red light.

With the claimed invention the sound technician can identify ten microphones having a different color and thus the sound technician is able to identify which color is switched on and which microphones may be controlled in a mixing machine. If one of the ten microphones should be switched off, the technician knows immediately which microphone, e.g., the microphone with the green light or the microphone with the yellow light.

Thus, in view of the above amendments and the distinctions provided, it is submitted that Bodley fails to teach or suggest all the features recited in claims 1 and 2. Therefore, Applicants request the withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. 102(e).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bodley in view of Bejin (U.S. Patent No. 5,406,729). Applicants respectfully traverse the rejection of claim 3.

Claim 3 is dependent upon amended independent claim 1. Therefore, it is submitted that claim 3 recites patentable subject matter for at least the reasons mentioned above. Accordingly, Applicants request the withdrawal of the rejection of claim 3 under 35 U.S.C. 103(a).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodley in view of Bejin and further in view of Freudenschuss et al. (U.S. Patent No. 4,239,359). Applicants respectfully traverse the rejection of claims 4 and 5.

Claims 4 and 5 are dependent upon amended independent claim 1. Therefore, it is submitted that claims 4 and 5 recite patentable subject matter for at least the reasons mentioned above. Accordingly, Applicants request the withdrawal of the rejection of claims 4 and 5 under 35 U.S.C. 103(a).

In view of the above amendments and remarks, Applicants request the favorable consideration of claims 1-5. A Notice of Allowance is requested.

Respectfully Submitted,


for Gerald H. Kiel
Reg. No. 25,116

Reg. No. 50,900

REED SMITH LLP
599 Lexington Avenue
New York, NY 10022
(P) 212-521-5402
Attorney for Applicant